



General Assembly

January Session, 2001

Amendment

LCO No. 6194

Offered by:

SEN. GUNTHER, 21st Dist.

To: Subst. Senate Bill No. 730

File No. 5

Cal. No. 59

"AN ACT CONCERNING THE SUNSET LAW."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) The Secretary of the Office of Policy and
4 Management shall establish a program for the purpose of measuring
5 the performance of all budgeted state agencies. The secretary shall: (1)
6 Assure that each budgeted state agency develops biennially a strategic
7 business plan that (A) identifies the relevant benchmarks defined by
8 the Connecticut Progress Council pursuant to section 4-67r of the
9 general statutes, and (B) includes goals, objectives and performance
10 measures for each program, service and state grant administered or
11 provided by the agency; (2) assure that the goals, objectives and
12 performance measures included in each budgeted state agency's
13 strategic business plan address performance information needs
14 identified by the joint standing committees of the General Assembly
15 having cognizance of matters relating to appropriations and
16 government administration, and the joint standing committee having

17 cognizance of matters relating to the agency; (3) assure that each
18 budgeted state agency collects data on the performance measures and
19 benchmarks included in the agency's strategic business plan; (4) assure
20 that an annual report is prepared by each budgeted state agency on the
21 programs, services and state grants administered or provided by the
22 agency based on an analysis of the benchmark and performance
23 measurement data included in the agency's strategic business plan
24 and, beginning September 1, 2003, and annually thereafter, assure that
25 such report is submitted to the Legislative Program Review and
26 Investigations Committee and the joint standing committee of the
27 General Assembly having cognizance of matters relating to
28 government administration; and (5) assure that the Legislative
29 Program Review and Investigations Committee and the joint standing
30 committees of the General Assembly having cognizance of matters
31 relating to appropriations and government administration, and the
32 joint standing committee having cognizance of matters relating to the
33 agency have access to the benchmark and performance measurement
34 data.

35 Sec. 2. Subsection (a) of section 2-53g of the general statutes is
36 repealed and the following is substituted in lieu thereof:

37 (a) The Legislative Program Review and Investigations Committee
38 shall: (1) Direct its staff and other legislative staff available to the
39 committee to conduct program reviews and investigations to assist the
40 General Assembly in the proper discharge of its duties; (2) establish
41 policies and procedures regarding the printing, reproduction and
42 distribution of its reports; (3) review staff reports submitted to the
43 committee and, when necessary, confer with representatives of the
44 state departments and agencies reviewed in order to obtain full and
45 complete information in regard to programs, other activities and
46 operations of the state, and may request and shall be given access to
47 and copies of, by all public officers, departments, agencies and
48 authorities of the state and its political subdivisions, such public
49 records, data and other information and given such assistance as the
50 committee determines it needs to fulfill its duties. Any statutory

51 requirements of confidentiality regarding such records, data and other
52 information, including penalties for violating such requirements, shall
53 apply to the committee, its staff and its other authorized
54 representatives in the same manner and to the same extent as such
55 requirements and penalties apply to any public officer, department,
56 agency or authority of the state or its political subdivisions. The
57 committee shall act on staff reports and recommend in its report, or
58 propose, in the form of a raised committee bill, such legislation as may
59 be necessary to modify current operations and agency practices; (4)
60 consider and act on requests by legislators, legislative committees,
61 elected officials of state government and state department and agency
62 heads for program reviews. The request shall be submitted in writing
63 to the Program Review and Investigations Committee and shall state
64 reasons to support the request. The decision of the committee to grant
65 or deny such a request shall be final; (5) conduct investigations
66 requested by joint resolution of the General Assembly, or, when the
67 General Assembly is not in session, (A) requested by a joint standing
68 committee of the General Assembly or initiated by a majority vote of
69 the Program Review and Investigations Committee and approved by
70 the Joint Committee on Legislative Management, or (B) requested by
71 the Joint Standing Committee on Legislative Management. In the event
72 two or more investigations are requested, the order of priority shall be
73 determined by the Legislative Program Review and Investigations
74 Committee; (6) retain, within available appropriations, the services of
75 consultants, technical assistants, research and other personnel
76 necessary to assist in the conduct of program reviews and
77 investigations; (7) originate, and report to the General Assembly, any
78 bill it deems necessary concerning a program, department or other
79 matter under review or investigation by the committee, in the same
80 manner as is prescribed by rule for joint standing committees of the
81 General Assembly; [and] (8) review audit reports after issuance by the
82 Auditors of Public Accounts, evaluate and sponsor new or revised
83 legislation based on audit findings, provide means to determine
84 compliance with audit recommendations and receive facts concerning
85 any unauthorized, illegal, irregular or unsafe handling or expenditures

86 of state funds under the provisions of section 2-90; (9) analyze and
87 comment on the annual reports submitted to the committee pursuant
88 to section 1 of this act; (10) analyze and comment on the performance
89 and benchmark data obtained pursuant to section 1 of this act; and (11)
90 beginning January 1, 2004, and annually thereafter, distribute reports
91 and data submitted by the Secretary of the Office of Policy and
92 Management with the committee's comments on the reports and data
93 to the joint standing committees of the General Assembly having
94 cognizance of matters relating to appropriations and government
95 administration, and the joint standing committee having cognizance of
96 matters relating to the agency.

97 Sec. 3. (NEW) Whenever the Auditors of Public Accounts conduct
98 an audit pursuant to section 2-90 of the general statutes, the auditors
99 shall determine if: (1) The strategic business plan required under
100 section 1 of this act is current; (2) the strategic business plan required
101 under section 1 of this act contains all the required elements; (3) the
102 data pertaining to the performance measures and benchmarks
103 required by section 1 of this act are being collected; and (4) the data
104 being collected is reliable and valid.

105 Sec. 4. Not later than one hundred eighty days after the effective
106 date of this section, the Secretary of the Office of Policy and
107 Management shall establish a schedule whereby each budgeted state
108 agency shall biennially develop a strategic business plan pursuant to
109 section 1 of this act. The schedule established by the Secretary of the
110 Office of Policy and Management shall require at least twenty per cent
111 of the budgeted state agencies to develop such a plan by July 1, 2003,
112 and shall require that not later than July 1, 2006, all budgeted state
113 agencies are biennially developing such strategic business plans.

114 Sec. 5. (NEW) (a) The Secretary of the Office of Policy and
115 Management shall (1) study the coordination of planning and program
116 activities among executive branch agencies and related performance
117 measurements, (2) study how to improve such interagency
118 coordination and performance measurements, and (3) establish and

119 implement a plan to improve such interagency coordination and
120 performance measurements.

121 (b) Not later than January 1, 2002, and biennially thereafter, the
122 secretary shall submit a report on the study and the plan to the joint
123 standing committee of the General Assembly having cognizance of
124 matters relating to government administration. The report shall
125 describe: (1) The existing areas of interagency coordination and related
126 performance measures; (2) ways to improve such interagency
127 coordination and performance measurements; (3) the plan established
128 pursuant to subdivision (3) of subsection (a) of this section to improve
129 interagency coordination and performance measurements; (4) the
130 progress, if any, made in implementing the plan; (5) the procedure for
131 completing the implementation of the plan, and (6) the procedure for
132 measuring interagency coordination.

133 Sec. 6. Section 17a-2 of the general statutes is repealed and the
134 following is substituted in lieu thereof:

135 (a) There shall be a Department of Children and Families which
136 shall be a single budgeted agency consisting of the institutions,
137 facilities programs now existing within the department, any programs
138 and facilities transferred to the department, and such other
139 institutions, facilities and programs as may hereafter be established by
140 or transferred to the department by the General Assembly.

141 (b) Said department shall constitute a successor department to the
142 Department of Children and Youth Services, for the purposes of
143 sections [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-
144 259, 7-127c, 8-206d, 10-8a, 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-
145 76g, 10-94g, 10-253, 17-86a, 17-294, 17-409, 17-437, 17-572, 17-578, 17-
146 579, 17-585, 17a-1 to 17a-89, inclusive, 17a-90 to 17a-209, inclusive, 17a-
147 218, 17a-277, 17a-450, 17a-458, 17a-463, 17a-474, 17a-560, 17a-511, 17a-
148 634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78, 19a-125, 19a-216, 20-
149 14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-705, inclusive, 45a-
150 706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to 46b-19, inclusive,

151 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199, 54-203 and in
152 accordance with the provisions of sections 4-38d and 4-39.

153 (c) Whenever the words "Commissioner of Children and Youth
154 Services", "Department of Children and Youth Services", or "Council
155 on Children and Youth Services" are used in sections [2c-2b,] 4-5, 4-38c,
156 4-60i, 4-77a, 4-165b, 4a-11b, 4a-12, 4a-16, 5-259, 7-127c, 8-206d, 10-8a,
157 10-15d, 10-76d, 10-76h, 10-76i, 10-76w, 10-94g, 10-253, 17-86a, 17-294,
158 17-409, 17-437, 17-572, 17-578, 17-579, 17-585, 17a-1 to 17a-89, inclusive,
159 17a-90 to 17a-209, inclusive, 17a-218, 17a-277, 17a-450, 17a-458, 17a-463,
160 17a-474, 17a-511, 17a-634, 17a-646, 17a-659, 18-69, 18-69a, 18-87, 19a-78,
161 19a-125, 19a-216, 20-14i, 20-14j, 31-23, 31-306a, 38a-514, 45a-591 to 45a-
162 705, inclusive, 45a-706 to 45a-770, inclusive, 46a-28, 46a-126, 46b-15 to
163 46b-19, inclusive, 46b-120 to 46b-159, inclusive, 54-56d, 54-142k, 54-199,
164 54-203, the words "Commissioner of Children and Families",
165 "Department of Children and Families", and "Council on Children and
166 Families" shall be substituted respectively in lieu thereof.

167 Sec. 7. Section 17a-247a of the general statutes is repealed and the
168 following is substituted in lieu thereof:

169 As used in sections 17a-247b to 17a-247e, inclusive: [, and
170 subdivision (31) of subsection (a) of section 2c-2b:]

171 (1) "Abuse" means the wilful infliction by an employee of physical
172 pain or injury or the wilful deprivation of services necessary to the
173 physical and mental health and safety of a department client.

174 (2) "Authorized agency" means any agency authorized in
175 accordance with the general statutes to conduct abuse and neglect
176 investigations and responsible for issuing or carrying out protective
177 services for persons with mental retardation.

178 (3) "Commissioner" means the Commissioner of Mental Retardation.

179 (4) "Department" means the Department of Mental Retardation.

180 (5) "Department client" means a person who is eligible for, and
181 receives services or funding from, the department.

182 (6) "Employee" means any individual employed (A) by the
183 department, or (B) by an agency, organization or individual that is
184 licensed or funded by the department.

185 (7) "Employer" means (A) the department, or (B) an agency,
186 organization or individual that is licensed or funded by the
187 department.

188 (8) "Neglect" means the failure by an employee, through action or
189 inaction, to provide a department client with the services necessary to
190 maintain such client's physical and mental health and safety.

191 (9) "Protective services" has the same meaning as provided in
192 section 46a-11a.

193 (10) "Registry" means a centralized data base containing information
194 regarding substantiated abuse or neglect.

195 (11) "Substantiated abuse or neglect" means a determination by an
196 authorized agency, following an investigation conducted or monitored
197 by such agency, that (A) abuse or neglect of a department client has
198 occurred, or (B) there has been a criminal conviction of a felony or
199 misdemeanor involving abuse or neglect.

200 Sec. 8. Subsection (a) of section 17a-450a of the general statutes is
201 repealed and the following is substituted in lieu thereof:

202 (a) The Department of Mental Health and Addiction Services shall
203 constitute a successor department to the Department of Mental Health.
204 Whenever the words "Commissioner of Mental Health" are used or
205 referred to in the following general statutes, the words "Commissioner
206 of Mental Health and Addiction Services" shall be substituted in lieu
207 thereof and whenever the words "Department of Mental Health" are
208 used or referred to in the following general statutes, the words
209 "Department of Mental Health and Addiction Services" shall be

210 substituted in lieu thereof: [2c-2b,] 4-5, 4-38c, 4-60i, 4-77a, 4a-12, 4a-16,
211 5-142, 8-206d, 10-19, 10-71, 10-76d, 13b-38n, 17a-14, 17a-26, 17a-31, 17a-
212 33, 17a-218, 17a-246, 17a-450, 17a-451, 17a-452, 17a-453, 17a-454, 17a-
213 455, 17a-456, 17a-457, 17a-458, 17a-459, 17a-460, 17a-463, 17a-464, 17a-
214 465, 17a-466, 17a-467, 17a-468, 17a-470, 17a-471, 17a-472, 17a-473, 17a-
215 474, 17a-476, 17a-478, 17a-479, 17a-480, 17a-481, 17a-482, 17a-483, 17a-
216 484, 17a-498, 17a-499, 17a-502, 17a-506, 17a-510, 17a-511, 17a-512, 17a-
217 513, 17a-519, 17a-528, 17a-560, 17a-561, 17a-562, 17a-565, 17a-576, 17a-
218 581, 17a-582, 17a-675, 17b-28, 17b-222, 17b-223, 17b-225, 17b-359, 17b-
219 420, 17b-694, 19a-82, 19a-495, 19a-498, 19a-507a, 19a-507c, 19a-576, 19a-
220 583, 20-14i, 20-14j, 21a-240, 21a-301, 22a-224, 27-122a, 31-222, 38a-514,
221 46a-28, 51-51o, 52-146h and 54-56d.

222 Sec. 9. Subsection (b) of section 17a-456 of the general statutes is
223 repealed and the following is substituted in lieu thereof:

224 (b) Whenever the term "Board of Mental Health" is used or referred
225 to in the following sections of the general statutes, the term "Board of
226 Mental Health and Addiction Services" shall be substituted in lieu
227 thereof: [2c-2b,] 17a-457, 17a-460, 17a-467, 17a-473, 17a-564.

228 Sec. 10. Section 19a-13 of the general statutes is repealed and the
229 following is substituted in lieu thereof:

230 As used in [subsection (a) of section 2c-2b,] this chapter and
231 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,
232 inclusive, 398 and 399 unless the context otherwise requires:

233 (1) "Certificate" includes the whole or part of any Department of
234 Public Health permit which the department is authorized by the
235 general statutes to issue and which further: (A) Authorizes practice of
236 the profession by certified persons but does not prohibit the practice of
237 the profession by others, not certified; (B) prohibits a person from
238 falsely representing that [he] the person is certified to practice the
239 profession unless the person holds a certificate issued by the
240 department; (C) requires as a condition to certification that a person

241 submit specified credentials to the department which attest to
242 qualifications to practice the profession;

243 (2) "Emerging occupation or profession" means a group of health
244 care providers whose actual or proposed duties, responsibilities and
245 services include functions which are not presently regulated or
246 licensed or which are presently performed within the scope of practice
247 of an existing licensed or otherwise regulated health occupation or
248 profession;

249 (3) "License" includes the whole or part of any Department of Public
250 Health permit, approval or similar form of permission required by the
251 general statutes and which further requires: (A) Practice of the
252 profession by licensed persons only; (B) that a person demonstrate
253 competence to practice through an examination or other means and
254 meet certain minimum standards; (C) enforcement of standards by the
255 department or regulatory board or commission;

256 (4) "Public member" means an elector of the state who has no
257 substantial financial interest in, is not employed in or by, and is not
258 professionally affiliated with, any industry, profession, occupation,
259 trade or institution regulated or licensed by the board or commission
260 to which [he] the elector is appointed, and who has had no
261 professional affiliation with any such industry, profession, occupation,
262 trade or institution for three years preceding [his] the elector's
263 appointment to the board or commission;

264 (5) "Registration" means the required entry upon a list maintained
265 by the Department of Public Health of the name of a practitioner or the
266 address of a place where a practice or profession subject to the
267 provisions of [subsection (a) of section 2c-2b,] this chapter and
268 chapters 368v, 369 to 375, inclusive, 378 to 381, inclusive, 383 to 388,
269 inclusive, 398 and 399 may be engaged in;

270 (6) "Complaint" means a formal statement of charges issued by the
271 Department of Public Health.

272 Sec. 11. Subdivision (4) of subsection (a) of section 19a-14 of the
273 general statutes is repealed and the following is substituted in lieu
274 thereof:

275 (4) Adopt, with the advice and assistance of the appropriate board
276 or commission, and in accordance with chapter 54, any regulations
277 which are consistent with protecting the public health and safety and
278 which are necessary to implement the purposes of [subsection (a) of
279 section 2c-2b,] this chapter [,] and chapters 368v, 369 to 375, inclusive,
280 378 to 381, inclusive, 383 to 388, inclusive, 398 and 399.

281 Sec. 12. Sections 2c-1 to 2c-12, inclusive, of the general statutes are
282 repealed.

283 Sec. 13. This act shall take effect July 1, 2001."